

# TRAUB LIEBERMAN

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November 23, 2020

## **VIA ECF**

Hon. J. Paul Oetken  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Garcia v. 120 MP, LLC, et al.*  
Case No.: 18 Civ. 6408

Dear Judge Oetken:

This firm represents Defendants 120 MP, LLC d/b/a Saju Bistro (“Saju Bistro”), Phillipe Bernard, and Mark Alberti in the above-referenced action. We write jointly with counsel for Plaintiff Izael Garcia (“Plaintiff”) regarding (a) the pending approval of the settlement in this matter, and (b) Plaintiff’s motion for reconsideration of legal fees.

On April 17, 2020, Plaintiff filed the parties’ proposed settlement agreement, along with the proposed fairness submission. On May 8, 2020, the Court issued an order finding the total settlement amount to be fair and reasonable, but denying approval of the settlement agreement on the basis that the allocation of attorney’s fees was unreasonable (Docket No. 70). On June 5, 2020, Plaintiff filed a request for reconsideration regarding the May 8, 2020 order (Docket. No. 73).

During the months since the parties reached a settlement in this matter, and because of the restrictions on indoor dining coupled with the shut-down of the Theater District and decline in tourism and business in the Times Square area due to the ongoing public health crisis, Saju Bistro has been permanently closed. The real property in which it was operating was surrendered to the landlord in August of 2020, and 120 MP, LLC has been in the process of winding down its corporate affairs. Its intention was to formally dissolve at the end of the fourth quarter of this year. However, because a portion of the settlement amount is comprised of back wages, and there remains uncertainty as to whether and to what extent the Court will ultimately approve the settlement, 120 MP, LLC is awaiting the final resolution of this matter prior to finalizing its dissolution. In light of the foregoing, our client has requested that we respectfully inquire as to the

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status of the Court's reconsideration of the attorneys' fees award and the related approval of the settlement agreement.

We thank the Court for its consideration of the above and are available to answer any questions the Court may have in connection with same.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ali R. Jaffery", with a stylized, cursive script.

Ali R. Jaffery

Cc: All counsel (via ECF)